

Minutes for the Seminole County Board of Adjustment

MONDAY, AUGUST 25, 2003

6:00 P.M.

Members present: Wes Pennington, Dan Bushrui, Mike Hattaway, Lila Buchanan, Alan Rozon

Staff Present: Earnest McDonald, Principal Coordinator, Kathy Fall, Senior Planner, J.V. Torregrosa, Planner, Candace Lindlaw-Hudson, Sr. Staff Assistant, Patty Johnson, Sr. Staff Assistant

The Chairman called the meeting to order at 6:00P.M. Mr Hattaway then reviewed the method by which the meeting was to be conducted, rules for voting and appealing decisions.

CONTINUED ITEMS

VARIANCES

- 1. 3764 ALDERGATE PLACE** – David Norouzi, applicant; Request for (1) front yard setback variance from 30 feet to 20 feet for a proposed single-family home; (2) side yard setback variance from 7.5 feet to 5 feet for a proposed single-family home; and (3) side street setback variance from 25 feet to 10 feet for a proposed single-family home in the PUD (Planned Unit Development District); Located on the northwest corner of the Dodd Road and Aldergate Place intersection; (BV2003-085).
District 1 – Maloy
Kathy Fall, Senior Planner

David Norouzi requested that this item be continued after learning of all the problems that was found with the lot. The Board denied the Continuance

David Norouzi stated he went to the Building Department to see if there was any issues about the lot. He found out that the County plan to widen Dodd Road, taking part of his lot. He is requesting a 10 feet variance that will allow him to build his dream house.

No one spoke in favor of the request.

Andrew Campione, President of the Howell Creek Homeowners Association spoke in opposition, stating the lot was not buildable. He stated that it is a dangerous area and would be a traffic hazard to the community.

Matthew Stamer stated that he felt this home would bring down the value of the other homes on the community.

Lori Schreiber represented the 22 homeowners in the community and they felt the house would not have space for parking. They were concerned about the safety of the children, the environmental concerns, and that the house would not look the same as the other houses.

David Norouzi stated that he believed the house would conform if he was granted the 10 feet variance.

Mr. Bushrui asked about the minimum house size in that area.

Kathy Fall stated that the size is 1700 square feet.

Dr. Buchanan moved to deny request, reason being the lot is not wide enough to build a home that will meet the standard. Lot is to remain unbuildable.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

CONSENT ITEMS

MOBILE HOME SPECIAL EXCEPTIONS:

2. **1800 BANDIT WAY** – Jacob & Crystal Cook, applicants; Request for temporary occupancy of a mobile home in the A-5 (Rural Zoning Classification District) to house a chronically ill relative; (Jacob & Crystal Cook, applicants); Located at the northwest corner of Blue Fish Place and Bandit Way; (BM2003-010).
District 5 – McLain
Earnest McDonald, Principal Coordinator

VARIANCES:

3. **1591 GARDA AVENUE** – The board made a motion to move this item to the Public Hearing agenda.
4. **171 BRIGHTVIEW DRIVE** – Robert LeRoy Watters, applicants; Request for rear yard setback variance from 20 feet to 15 feet for a proposed addition in the PUD (Planned Unit Development District); Located on the east side of Brightview Drive, approximately 400 feet southwest of the intersection of Brightview Drive and Dwyer Lane; (BV2003-107).
District 5 – McLain
Earnest McDonald, Principal Coordinator

5. **1761 BEACON DRIVE** – Timothy W. Templin, applicant; Request for rear yard setback variance from 30 feet to 24 feet for the replacement of an existing addition in the R-1AA (Single-Family Dwelling District); Located on the east side of Beacon Drive, approximately 0.1 mile north of the intersection of Beacon Drive and Canal Drive; (BV2003-109).
District 5 – McLain
Earnest McDonald, Principal Coordinator
6. **285 MARJORIE BOULEVARD** – William Robertson, applicant; Request for (1) lot size variance from 8,400 square feet to 7,150 square feet for a proposed home; and (2) lot width at the building line variance from 70 feet to 65 feet for a proposed home in the R-1 (Single-Family Dwelling District); Located 400 feet east of the intersection of Marjorie Boulevard and West Lane; (BV2003-103).
District 4 – Henley
Kathy Fall, Senior Planner
7. **3129 CECELIA DRIVE** – Andy & Susan Greenberg, applicants; Request for lot width at the building line variance from 90 feet to 75 feet for a proposed home in the R-1AA (Single-Family Dwelling District); Located on the east side of Cecilia Drive, approximately 0.1 mile east of the intersection of Cecilia Drive and Frances Drive; (BV2003-105).
District 3 – Van Der Weide
J.V. Torregrosa, Planner
8. **6115 LINNEAL BEACH DRIVE** – The board made a motion to move this item to the Public Hearing agenda.

Mr. Pennington made a motion to approve the Consent Agenda Items 2, 4, 5, 6, and 7 in accordance with staff recommendation.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0)

PUBLIC HEARING ITEMS

VARIANCES:

3. **1591 GARDA AVENUE** – Calvin Middlebrooks, applicant; Request for (1) minimum lot size variance from 43,560 square feet to 12,480 square feet; and (2) Front yardsetback variance from 50 feet to 15 feet for a proposed home in the A-1 (Agriculture District); Located on the east side of Garda Avenue, approximately 150 feet north of the intersection of Garda Avenue and Sylvan Avenue; (BV2003-104).
District 5 – McLain
Earnest McDonald, Principal Coordinator

This item was moved by the Board from the Consent Agenda. Earnest McDonald introduced the application and stated that the property is non conforming and staff recommend denial for minimum lot size. He recommended a 25 feet setback for the front yard variance stating from visible observation most of the houses appear to be 25 feet.

Calvin Middlebrooks gave a copy of his survey to the Board Members. He stated his request for the 15 feet variance would conform to the neighborhood. Calvin Middlebrooks stated he also requested variance for a utility shed and didn't see it on the Agenda.

Mr. Bushrui made motion to approve staff recommendation for (1) lot size variance from 43,560 square feet to 12,480 square feet and (2) front yard setback from 50 to 25 feet.

Mr. Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

The Board stated that the fee would be waived for the shed when he comes back for that variance.

8. 6115 LINNEAL BEACH DRIVE – Mike White, applicant; Request for side yard setback variances from 10 feet to 1 foot for a proposed boat dock in the R-1AA (Single-Family Dwelling District); Located on the north side of Linneal Beach Drive, approximately 0.2 mile east of the intersection of Linneal Beach Drive and Oranole Way; (BV2003-106).
District 3 – Van Der Weide
J.V. Torregrosa, Planner

This item was moved by the Board from the Consent Agenda.

J.V. Torregrosa stated that the Deputy County Attorney suggested that the applicant submit a signed agreement stating that the applicant recognizes that any portion of the Dock within the Drainage Easement may be removed for emergency or maintenance reasons without restitution to the applicant.

Mr. Pennington made a motion to approve the request per the agreement.

Alan Rozon seconded the motion.

The motion passed by unanimous consent (5-0).

MOBILE HOME SPECIAL EXCEPTIONS:

- 9. 2935 SIMMONS ROAD** – Patricia C. Simmons & Banita J. Borders; Request for permanent placement of a mobile home in the A-1 (Agriculture District); Located on the east side of Simmons Road, approximately 0.2 mile south of the intersection of Simmons Road and Hideaway Cove; (BM2003-013).
District 1 – Maloy
Earnest McDonald, Principal Coordinator

Mr. Pennington made a motion to continue the item to the September 22, 2003 meeting per applicant request.

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0)

VARIANCES:

- 10. 2666 CAHILL WAY** – Francisco Ramirez, applicant; Request for rear yard setback variance from 20 feet to 9.5 feet for a proposed screen room in the PUD (Planned Unit Development District); Located on the east side of Cahill Way, approximately 0.2 mile southeast of the intersection of Cahill Way and Brightview Drive; (BV2003-101).
District 5 – McLain
Earnest McDonald, Principal Coordinator

Earnest McDonald introduced the application for variance and stated staff recommend denial because applicant failed to demonstrate hardship.

James Metts from Exterior Home Savers represented the applicant, he stated that the applicant has a growing family and wishes to have a screen room added. He also stated that the neighbor next door to Francisco Ramirez has a screened room. He stated that there is a wall behind the house.

Mr Bushrui asked if the Homeowner Association approve the request.

James Metts answer was yes.

Mr. Pennington made a motion to approve the request.

Mr. Bushrui seconded the motion.

The motion was passed by unanimous consent (5-0).

- 11. 105 OVERLOOK DRIVE** – Alan & Michael Vinacke, applicants; Request for (1) minimum lot size variance from 43,560 square feet to 36,155 square feet; and (2) width at the building line variance from 150 feet to 128 feet in the A-1 (Agriculture District); located on the east side of Overlook Drive,

approximately 150 feet north of the intersection of Overlook Drive and Brumley Road; (BV2003-110).

District 1 – Maloy

J.V. Torregrosa, Planner

J. V . Torregrosa recommended the board deny (1) the reduction of lot size and approve (2) the width at the building line variance from 150 feet to 128 feet.

Mr. Bushrui made a motion to approve the reduction in width at the building line from 150 to 128 conditioned on the two parcels owned by the Vinackes through a unity of Title agreement.

Mr. Pennington seconded the motion.

Mr. Rozon made a motion to deny the reduction in lot size variance.

Dr. Buchanan seconded the motion.

The motions passed by unanimous consent (5-0).

12. 5690 AUTUMN CHASE CIRCLE – Larry Houck, applicant; Request for (1) (north) side yard setback variance from 7.5 feet to 5 feet for a proposed accessory building; and (2) (west) side yard setback variance from 7.5 feet to 5 feet in the R-1A (Single-Family Dwelling District); Located on the west side of Autumn Chase Drive, approximately 150 feet south of the intersection of Autumn Chase Drive and Willow Oak Lane; (BV2003-100).

District 5 – McLain

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff cannot recommend the approval of the side yard setback variance because it does not fulfill the six criteria for granting of a variance.

Dr. Buchanan made a motion to approve both variances.

Mr. Pennington seconded .

The motion passed by a (4-1) vote with Mr. Hattaway opposing.

13. 1201 OXFORD ROAD – Karon A. Haymes, applicant; Request for (south) street side yard setback variance from 25 feet to 14.67 feet for the replacement and extension of an existing fence in the R-1AA (Single-Family Dwelling District); Located at the northwest corner of the intersection of Oxford Road and Derbyshire Road; (BV2003-099).

District 4 – Henley

Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff cannot recommend approval of the request since it does not meet the six criteria for granting the variance.

Karon Haymes stated that she wants the privacy fence to remain where it is but to extend past the AC unit and pool equipment.

Dr. Buchanan made a motion to grant the request.

Mr. Bushrui seconded.

The motion passed by unanimous consent (5-0).

14.420 PINEVIEW STREET – Rodney Judy, applicant; Request for (1) rear yard setback variance from 30 feet to 5 feet for a proposed accessory garage; and (2) (west) side yard setback variance from 10 feet to 5 feet for a proposed accessory garage in the R-1AA (Single-Family Dwelling District); Located on the south side of Pineview Street, approximately 0.1 mile east of Pressview Avenue; (BV2003-096).
District 4 – Henley
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that staff cannot recommend approval of the request because it does not meet the six criteria for the granting of a variance.

Mr. Pennington made a motion to approve the granting of the variance.

Dr. Buchanan seconded the motion.

The motion was passed by unanimous consent (5-0).

15.7773 FOX KNOLL PLACE – Patricia L. Basile, applicant; Request for rear yard setback variance from 20 feet to 15 feet for a proposed screen room addition in the PUD (Planned Unit Development District); Located on the north side of Fox Knoll Place, approximately 0.2 mile east of Old Howell Branch Road; (BV2003-102).
District 1 – Maloy
Kathy Fall, Senior Planner

Kathy Fall introduced the application and stated that there have been 8 variances granted in this PUD. She also stated that staff cannot recommend approval because the request does not meet the six criteria for the granting of the variance.

Patricia L. Basile stated that she is requesting the variance for three reasons, (1) she wants what everybody else in the neighborhood has, (2) her mother has Alzheimer's, and (3) her neighbors signed a petition backing her request.

Mr. Pennington made a motion to approve the granting of the variance.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

APPROVAL OF MINUTES

Mr. Pennington made a motion to approve the August 25, 2003 minutes.

Dr. Buchanan seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 8:07 P.M.